



**DEPARTMENT OF THE NAVY**

BUREAU OF MEDICINE AND SURGERY  
2300 E STREET NW  
WASHINGTON DC 20372-5300

IN REPLY REFER TO

**BUMEDINST 5870.1**  
**BUMED-NMSC**  
**9 May 2007**

**BUMED INSTRUCTION 5870.1**

**From:** Chief, Bureau of Medicine and Surgery  
**To:** Ships and Stations Having Medical Department Personnel  
**Subj:** POLICY AND PROCEDURES FOR USE OF COPYRIGHTED MATERIALS  
AND OFFICIAL NAVY IMAGING  
**Ref:** (a) Federal Acquisition Regulation (FAR) (Subpart 27.4)  
(b) DOD FAR Supplement (DFARS) (Subpart 227.71 and 227.72)  
(c) DODINST 5040.05 of 6 Jun 2006  
(d) SECNAVINST 5870.4A  
(e) OPNAVINST 3104.5

**Encl:** (1) Format for Requesting Permission for Copyright Use

1. Purpose. To provide policy and procedures for use and reproduction of copyrighted materials, to prescribe procedures for obtaining permission from copyright owners for use as instructional aids by the Bureau of Medicine and Surgery (BUMED) and subordinate activities, and to provide policy for use of official U.S. Navy imaging not subject to copyright protection.

2. Cancellation. NAVMEDEDTRACOMINST 5870.5A.

3. Applicability. This instruction applies to all military and civilian personnel assigned to BUMED and its subordinate activities.

4. Background. Aside from limited fair use, the reproduction and use of copyrighted materials is prohibited by references (a) through (e) unless permission is obtained from the copyright owner. The procedure and format for obtaining permission is outlined in reference (d). BUMED instructional programs rely on the use of copyrighted material, which carries a risk of possible copyright infringement and subsequent costs for administrative resolution.

5. Policy and Procedures

a. All directors, department heads, course coordinators, instructors, and personnel responsible for reproduction functions (CDs and DVDs) shall familiarize themselves with references (a) through (e). Each department head is responsible for ensuring compliance. All personnel responsible for reproduction functions (reprographics, videotape, slides, etc.) shall ensure that materials to be reproduced are not protected by copyright or that copyright permission had been obtained.

b. Copyright law allows for limited fair use of copyrighted materials for nonprofit, educational purposes, such as the reproduction by a teacher or student of a small part of a work to illustrate a lesson. Apart from such limited fair use, if the copyright owner's permission has not been obtained, the copying is unauthorized and results in copyright infringement. Personnel of BUMED and subordinate commands shall request permission for all but the smallest excerpts from copyrighted materials and seek legal counsel if questions arise regarding fair use.

(1) Instructors shall weigh the cost/benefit ratio in determining whether to purchase materials or obtain copyright permission for instructional materials. Legal advice and review should be obtained for questions as to whether a particular work is protected by copyright, or whether a particular use would be infringement.

(2) Guidelines for requesting permission for copyright use are located in reference (d). Enclosure (1) is an example for requesting permission for copyright use. The request shall be submitted in duplicate to the originator/author so the recipient may retain a copy and return the other if granting permission. The original copyright authorization (permission for use) shall be retained in command files.

c. In all cases where copyrighted materials are used, especially when used as student handouts, instructors shall ensure the material is identified as being copyrighted, source(s) are appropriately identified, and proper copyright credits are given.

d. As discussed in reference (d), a military or civilian employee has no right of action against the Navy for copyright infringement if he or she was in a position to order, influence, or induce the use of copyrighted work by the Navy. An employee also has no right of action against the Navy with respect to any copyrighted work prepared by the employee if government time, material, or facilities were used in the preparation.

e. Although official U.S. Navy imaging is not copyright-protected, the alteration of official imaging by persons acting for or on behalf of the Department of Defense (DOD) is prohibited, except as follows:

(1) Photographic techniques common to traditional darkrooms and digital imaging stations such as dodging, burning, color balancing, spotting, and contrast adjustment that are used to achieve the accurate recording of an event or object are not considered alterations.

(2) Photographic and video image enhancement, exploitation, and simulation techniques used in support of unique cartography; topography; engineering; geodesy; intelligence; criminal investigation; medical uses; research, development, test and evaluation; scientific uses; and training requirements are authorized if they do not misrepresent the subject of the original image.

(3) The obvious masking of portions of a photographic image in support of specific security, criminal investigation, privacy, or legal requirements is authorized.

(4) The use of cropping, editing, or enlargement to selectively isolate, link, or display a portion of a photographic or video image is not considered alteration. Cropping, editing, or image enlargement that has the effect of misrepresenting the facts or circumstances of the event or object as originally recorded is prohibited.

(5) Photographic and video post-production enhancement, including animation, digital simulation, graphics, and special effects, when used for dramatic or narrative effect in education, recruiting, safety and training illustrations, publications, or productions is authorized under either of the following conditions:

(a) The enhancement does not misrepresent the subject of the original image.

(b) It is clearly and readily apparent from the context or from the content of the image or accompanying text that the enhanced image is not intended to be an accurate representation of any actual event.

f. The digital conversion and compression of official DOD imagery is authorized for use as described in 5e(1) through (5).

6. Format. The enclosure (1) format for requesting permission is available in Word at: <http://navymedicine.med.navy.mil/default.cfm?seltab=directives> at the Forms tab, then scroll down to Sample Formats.

  
D. C. ARTHUR

Distribution is electronic only via the Navy Medicine Web site at:  
<http://navymedicine.navy.mil/default.cfm?seltab=directives>

FORMAT FOR REQUESTING PERMISSION FOR COPYRIGHT USE  
(LETTERHEAD)

SSIC  
Orig Code or Serial  
(Date)

(Name of copyright owner or agent)  
(Address)  
(City, State, Zip)

(Salutation)

(Name of Activity) requests your permission as copyright owner or agent for the right to reproduce the identified material for the following use(s) for the Department of the Navy.

(Complete identification of the material)  
(Designation of exact portion of the material to be copied)  
(Statement of intended use(s) of the material)  
(Contemplated modifications of the material, if any)

If the requested permission is granted, please sign below and return this original letter in the enclosed self-addressed envelope. A copy of this letter is included for your records.

(Complimentary close)

\_\_\_\_\_  
(Signature of requestor)

**PERMISSION:**

The above requested permission is granted, royalty-free. A notice of copyright and credit line is desired as follows:

(Leave at least 8 lines for credit line.)

BUMEDINST 5870.1  
9 May 2007

\_\_\_\_\_  
(Signature of copyright owner or authorized agent)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Printed name of copyright owner or authorized agent)